

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 1784 - HB 2234

April 3, 2009

SUMMARY OF BILL: Expands the definition of severe child abuse to include exposing a child to the use or distribution on methamphetamine.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$1,328,900/Incarceration*

Assumptions:

- According to the Department of Children's Services, there will not be any additional children to come into state custody due to the provisions of the bill.
- According to the Department of Correction (DOC), there has been an average of 140 admissions for methamphetamine Schedule II drugs with fines ranging from \$100,000 to \$500,000 in each of the past three years. DOC estimates five percent of these offenses will take place with a child present within a structure where methamphetamine is being used or distributed.
- According to the Department of Correction, the average operating cost per offender per day for calendar year 2009 is \$59.80 and the average post-conviction time served for a Class B felony is 6.17 years and 14.86 years for a Class A felony. The cost per offender at 6.17 years is \$134,727.00 (\$59.80 x 2,252.96 days). The cost per offender at 14.86 years is \$324,636.26 (\$59.80 x 5,428.70 days).
- Five percent (7) per year would be convicted of aggravated child abuse and neglect in addition to the sentences related to the Schedule II drugs. According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will result in one additional offender in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on eight offenders. DOC assumes three of those would be convicted of a Class A felony for aggravated child abuse and neglect where the victim is younger than six years of age. The operating cost per conviction in the tenth year is \$218,419.50 (\$59.80 x

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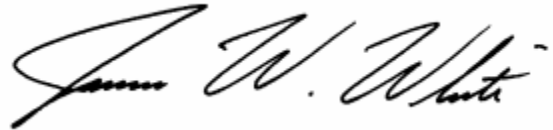
3,652.50 days). The additional operating cost for three offenders is \$655,258.50 (\$218,419.50 x 3).

- The remaining five would receive a Class B felony for aggravated child abuse and neglect. The additional operating cost for five offenders is \$673,635 (\$134,727.00 x 5).

**Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with a large initial "J" and "W".

James W. White, Executive Director

/kml